

Honorable John H. Chun

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARY JO RULFFES and DONALD
RULFFES, and the marital community
comprised thereof,

Plaintiffs,

v.

SCHINDLER WEST STORES, LLC, a
foreign corporation d/b/a SCHINDLER;
SCHINDLER RETAIL HOLDINGS, LLC, a
foreign corporation d/b/a SCHINDLER; and
SCHINDLER CORPORATE SERVICES, a
foreign corporation d/b/a SCHINDLER;
SCHINDLER ELEVATOR CORPORATION,
a foreign corporation; and UNKNOWN
BUSINESS ENTITIES 1-5; and JOHN
DOES 1-5.

Defendants.

NO. 2:22-cv-1075

DEFENDANT SCHINDLER ELEVATOR
CORPORATION'S ANSWER TO
PLAINTIFFS' COMPLAINT FOR
PERSONAL INJURIES AND DAMAGES

Defendants Schindler Elevator Corporation ("Schindler"), by and through it's attorneys of record, Preg O'Donnell & Gillett, answer Plaintiffs Mary Jo Rulffes and Donald Rulffes ("Plaintiffs") Complaint as set forth below. Schindler wholly denies any and all allegations not specifically admitted herein.

DEFENDANT SCHINDLER ELEVATOR
CORPORATION'S ANSWER TO PLAINTIFFS'
COMPLAINT FOR PERSONAL INJURIES AND
DAMAGES - 1
10420-0036 5833989
Case No. 2:22-cv-1075

PREG O'DONNELL & GILLETT PLLC

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I. PARTIES

1.1 In answer to Paragraph 1.1 of Plaintiffs' Complaint, Schindler is without knowledge sufficient to form a belief as to the truth of the matters alleged in this paragraph and therefore denies the same.

1.2 In answer to Paragraph 1.2 of Plaintiffs' Complaint, Schindler admits this paragraph.

1.3 In answer to Paragraph 1.3 of Plaintiffs' Complaint, Schindler admits this paragraph.

1.4 In answer to Paragraph 1.4 of Plaintiffs' Complaint, this paragraph does not require an answer from Schindler. To the extent an answer is required, Schindler is without knowledge sufficient to form a belief to the truth of the matters alleged and therefore denies the same.

1.5 In answer to Paragraph 1.5 of Plaintiffs' Complaint, this paragraph does not require an answer from Schindler. To the extent an answer is required, Schindler is without knowledge sufficient to form a belief to the truth of the matters alleged and therefore denies the same.

II. JURISDICTION AND VENUE

2.1 This lawsuit has been removed to the United States District Court for the Western District of Washington at Seattle.

2.2 This lawsuit has been removed to the United States District Court for the Western District of Washington at Seattle.

III. FACTS

3.1 In answer to Paragraph 3.1 of Plaintiffs' Complaint, Schindler is without knowledge sufficient to form a belief as to the truth of the matters alleged in this paragraph and therefore denies the same.

1 3.2 In answer to Paragraph 3.2 of Plaintiffs' Complaint, Schindler is without knowledge
2 sufficient to form a belief as to the truth of the matters alleged in this paragraph and therefore
3 denies the same.

4 3.3 In answer to Paragraph 3.3 of Plaintiffs' Complaint, Schindler is without knowledge
5 sufficient to form a belief as to the truth of the matters alleged in this paragraph and therefore
6 denies the same.

7 3.4 In answer to Paragraph 3.4 of Plaintiffs' Complaint, Schindler denies the same.

8 **IV. CAUSE OF ACTION – NEGLIGENCE**

9 4.1 Schindler incorporates and reasserts answers to paragraphs 1.1-3.4 stated herein.

10 4.2 In answer to Paragraph 4.2 of Plaintiffs' Complaint, Schindler is without knowledge
11 sufficient to form a belief as to the truth of the matters alleged in this paragraph and therefore
12 denies the same.

13 4.3 In answer to Paragraph 4.3 of Plaintiffs' Complaint, Schindler admits that Macy's
14 owns the elevators located at Macy's in Tukwila Washington. To the extent paragraph 4.3 differs
15 from the above, Schindler denies the same.

16 4.4 In answer to Paragraph 4.4, Schindler admits Macy's has a duty to maintain its
17 elevators in a reasonably safe condition but denies the remainder of this Paragraph.

18 4.5 In answer to Paragraph 4.5 of Plaintiffs' Complaint, Schindler admits that Schindler
19 Elevator Corporation was Macy's elevator maintenance company on December 9, 2019 and owed
20 duties pursuant to a maintenance contract. To the extent paragraph 4.5 differs from the above,
21 Schindler denies the same.

22 4.6 In answer to Paragraph 4.6 of Plaintiffs' Complaint, Schindler denies this
23 paragraph.

24 4.7 In answer to paragraph 4.7 of Plaintiffs' Complaint, Schindler denies this
25 paragraph.

1 4.8 In answer to paragraph 4.8 of Plaintiffs' Complaint, Schindler denies this
2 paragraph.

3 **V. PRAYER FOR RELIEF**

4 Schindler denies Plaintiffs' prayer for relief including subparts 5.a-e. Schindler denies all
5 allegations not specifically addressed elsewhere herein.

6 BY WAY OF FURTHER ANSWER AND AFFIRMATIVE DEFENSES, Schindler alleges
7 the following:

8 1. Plaintiffs' claimed injuries or damages, if any, were proximately caused by their own
9 fault or the fault of other parties or nonparties.

10 2. Plaintiffs have failed to mitigate damages to avoid unnecessary loss.

11 3. Plaintiff Mary Jo Rulffes assumed the risk of injury.

12 4. Plaintiffs' damages, if any, should be apportioned according to RCW 4.22 et seq
13 between the relative fault of parties, and non-parties.

14 Schindler expressly reserves the right to amend this answer and to assert additional
15 affirmative defenses as circumstances and discovery warrant.

16 WHEREFORE, Schindler prays for the following judgment:

17 1. Dismissing Plaintiffs' Complaint for Damages with prejudice and costs;

18 2. That Schindler be awarded reasonable attorney's fees, costs and disbursements
19 incurred herein, and

20 3. For such other and further relief that the courts deems just and equitable.

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1 DATED this 17th day of August, 2022.

2 PREG O'DONNELL & GILLETT PLLC

3
4 By /s/Debra Dickerson

5 Eric P. Gillett, WSBA #23691

6 Debra Dickerson, WSBA# 20397

7 Attorneys for Defendants Schindler Elevator
8 Corporation and Schindler

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DECLARATION OF SERVICE

I hereby declare that on this day I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the attorneys of record listed below:

Counsel for Plaintiffs Mary Jo and Donald

Rulffes:

A. Troy Hunter WSBA #29243
Lisa Kay Wiese, Esq. WSBA #26594
Injury Law Group NW
troy@injurylawgroupnw.com

DATED at Seattle, Washington, this 17th day of August, 2022.

/s/ Debra Dickerson

Debra Dickerson, WSBA# 20397